IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 6373/2005
(Shanti Prasad Purohit Vs. State of Rajasthan & Ors.)

Date of Order : 29/01/2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Parmendra Bohra for the petitioner.
Mr. Rameshwar Dave, Dy. Govt. Advocate for the respondents.

BY THE COURT:-

The writ petition come up on an application filed by the petitioner being IA No.4103/06 by which the petitioner submits that the instant writ petition may be decided in the light of the decision rendered by this Court in Prem Prakash Mathur Vs. State of Rajasthan and Ors. 2005 (9) RDD 3962 (Raj.).

I have heard learned counsel for the parties.

By the instant writ petition, the petitioner seeks quashing of charge-sheet dated 29.1.1997. However, during the course of arguments, learned counsel for the petitioner does not want to press the prayer No.1 of the writ petition seeking quashing of charge-sheet and confined his argument to the extent of seeking expeditious conclusion of the inquiry which was

initiated against the petitioner way back in the year 1996.

In Prem Prakash Mathur Vs. State of Rajasthan and Ors. (supra) the petitioner therein was facing suspension since 1992. The inquiry initiated against him did not reach to any logical conclusion for almost 13 years. This Court revoked the suspension on the ground of delay in concluding the inquiry.

In the instant case, since the petitioner has already retired in January 1997 itself and therefore, in my view, the counsel for the petitioner rightly did not press the prayer No.1 seeking quashing of the charge-sheet. It appears that the petitioner is facing a criminal case as stated by learned counsel for the petitioner being Criminal Case No. 3000/2000 State Vs. Mangilal and Ors. before the Court of Judicial Magistrate No.3, Jodhpur for the offences under Sections 409, 465, 471 and 120-B IPC. It appears that the trial has not so far been concluded. Be that as it may. The inquiry cannot be kept pending awaiting the decision of the criminal Court, and therefore, the respondents are expected to conclude the inquiry expeditiously if the delay has not been caused by the petitioner. Counsel for the petitioner submits that the petitioner will cooperate in the inquiry and will appear before the inquiry officer on the dates fixed by the inquiry officer. In this view of the matter, I deem it just and proper to direct the inquiry officer to conclude the inquiry utmost expeditiously preferably within six

months from the date of receipt of the certified copy of this order.

Consequently, the inquiry officer is directed to complete the inquiry pending against the petitioner utmost expeditiously preferably within a period of six months from the date of receipt of the certified copy of this order

With these directions, the writ petition stands disposed of. The I.A. No.4103/06 also stands disposed of. There shall be no order as to costs.

(H.R.PANWAR),J.

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